

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CR00317 ERW
)	
JOSEPH MUGO and ROSE THIONGO,)	
)	
Defendants.)	

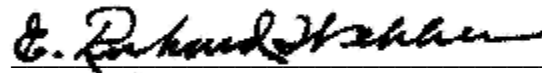
MEMORANDUM AND ORDER

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Terry I. Adelman [doc. #47] pursuant to 28 U.S.C. § 636(b). The Report recommends that Defendant Joseph Mugo's Motion to Dismiss Count IV of the Indictment as Barred by Collateral Estoppel/Res Judicata [doc. #36] be denied. The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation in its entirety.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Count IV of the Indictment as Barred by Collateral Estoppel/Res Judicata [doc. #36] is **DENIED**.

Dated this 1st Day of December, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE